

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 129 of 1981

WITH

CIVIL APPLICATION NO. 1355 OF 1981

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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MANAVADAR SEVA SAHAKARI MANDALI LTD.,

Versus

STATE OF GUJARAT

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Appearance:

MR PM RAVAL for Appellants

MR BY MANKAD for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

Date of decision: 02/11/98

ORAL JUDGEMENT (Per Patel, J.)

Appellant No.1 is a Co-Operative Society known as  
Shree Manavadar Seva Sahakari Mandali Limited, while

appellants No. 2 and 3 are members of the Society. This appeal is preferred by them being aggrieved by the judgment and order passed by learned Single Judge of this Court in Special Civil Application No. 481 of 1981, rejecting the petition at the admission stage.

2. Vide annexure 'E' to the petition, a notice dated 3.1.1981 came to be issued by the Mamlatdar, calling upon the appellant No.1 Society to produce details of stock of cement received and distributed, failing which action will be taken against the Society. From the order it appears that some persons who were not in a position to get cement despite the permit raised their grievance before the Collector as a result of which the show cause notice came to be issued. Learned Single Judge held that there is justification in issuing the show cause notice and the learned Single Judge expressed views that it is for the Society to satisfy the Collector as to whether the Collector should take any further action or not. There is no dispute that the author of Annexure 'E' was conferred with the jurisdiction and authority, and, therefore, ordinarily, it would be for the appellant to approach the said authority.

3. This matter is of 1980. It is stated by the learned advocates at the Bar that now there is no control of the cement and cement is freely available in the market. In this background, no purpose would be served by directing the appellant to approach the Mamlatdar. In the petition, on oath, it is pointed out that certain priorities were fixed by the Collector and according to the circular, cement bags were issued. It is further pointed out that four persons in all submitted their permit; However, there were number of other persons waiting in 'que'. This statement is not denied by the other side.

4. Under the circumstances, we are of the view that the order passed by the learned Single Judge is in accordance with law. However, in view of the changed circumstances, namely delay and de-control of cement, no useful purpose could be served by directing the appellant Society to approach the Mamlatdar. Hence, the appellants need not approach the Mamlatdar and the issue involved need not be prosecuted any further.

5. The appeal stands disposed of accordingly. No order as to costs.

6. In view of the aforesaid order passed in the L.P.A, the Civil Application does not survive. Rule is

discharged. Ad-interim relief stands vacated.

csm./ -----